

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROGER GARTRELL,

No. 3:22-cv-00274-JR

Plaintiff,

ORDER

v.

LOUIS DEJOY, POSTMASTER GENERAL,
UNITED STATES POSTAL SERVICE,

Defendant.

HERNÁNDEZ, District Judge,

On June 10, 2024, Magistrate Judge Russo issued a non-dispositive order denying Plaintiff's motion to file a Third Amended Complaint. ECF 56. On June 24, 2024, Plaintiff filed objections to the Order. ECF 59. The matter is now before the Court pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must

promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision.” Fed. R. Civ. P. 72(a). The standard of review for an order with objections is “clearly erroneous” or “contrary to law.” *Id.*; 28 U.S.C. § 636(b)(1)(A) (applying the “clearly erroneous or contrary to law” standard of review for non-dispositive motions). If a ruling on a motion is not determinative of “a party’s claim or defense,” it is not dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).

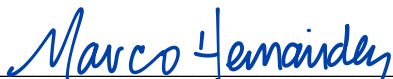
The Court has carefully considered Plaintiff’s objections and concludes they do not provide a basis to modify the Magistrate Judge’s Order.

CONCLUSION

The Court AFFIRMS Magistrate Judge Russo’s Order [56].

IT IS SO ORDERED.

DATED: August 8, 2024.



MARCO A. HERNANDEZ
United States District Judge